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EXAMINER

LEWIS, ALICIA M

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/799,933	<b>Applicant(s)</b> BAE ET AL.	
	<b>Examiner</b> Alicia M. Lewis	<b>Art Unit</b> 2164	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 October 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,4-9,11 and 14-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4-9,11 and 14-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

This office action is responsive to the Request for Continued Examination (RCE) filed October 9, 2008. Claims 1, 8 and 11 are currently amended. Claims 1, 4-9, 11 and 14-28 remain pending in this application.

#### ***Claim Objections***

1. Claim 28 is objected to because of the following informalities: claim 28 recites "the method of claim 11," however claim 11 is directed to a file system and not a method. The Examiner believes the claim should read, in part, "the file system of claim 11." Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 26-28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claim 26-28 recite the limitation "the reproduction time" in line 2 of the claim. There is insufficient antecedent basis for this limitation in the claim.

#### ***Claim Rejections - 35 USC § 101***

5. 35 U.S.C. 101 reads as follows:

Art Unit: 2164

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1, 4-9, 11 and 14-28 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 1 and 8 are both directed to a method of managing multimedia content created using SMIL. However, the methods do not seem to be tied to a particular machine. The Examiner suggests adding the term "computer-implemented method" and including a step of storing some type of data in a computer memory. Claims 4-7, 9, 20, 21, 23, 24, 26 and 27 are rejected as being dependent upon rejected claims 1 and 8.

Claim 11 is directed to a file system that manages multimedia content created using SMIL. However, none of the elements/features of the file system appear to be necessarily implemented in hardware. Thus, the claim is at best directed to an arrangement of software, per se, and rejected as being non-statutory. Claims 14-19, 22, 25 and 28 are rejected as being dependent upon rejected claim 11.

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 3-9, 11 and 13-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Niwa (US 2003/0225696 A1) in view of Christensen et al. (US 6,055,543) ('Christensen'), and further in view of Malik (US 7,089,286 B1).

With respect to claims 1 and 11, Niwa teaches:

extracting information on a plurality of resource files (paragraph 86) by parsing an SMIL document (paragraph 130); and

packaging a plurality of files comprising the SMIL document and the plurality of resource files into a single segment using the extracted information (paragraphs 85 and 126).

*Although Niwa teaches that the SMIL document and a plurality of resource files are packaged together in a new video segment store in a database, he does not teach that the SMIL document and resource files are packaged into a single file, wherein the operation of packaging comprises: forming a header based on the extracted information; creating a plurality of file indexing information based on the extracted information, to access the plurality of resource files; and creating an SMIL integrated file by packaging the header, the plurality of file indexing information, the SMIL document, and the plurality of resource files into a single file.*

Christensen teaches a file wrapper containing cataloging information for content searching across multiple platforms (see abstract) in which he teaches packaging metadata (SMIL document) and content (resource) files into a single file using the

extracted information (Figure 5, column 5 lines 25-31, column 6 lines 19-27), wherein the operation of packaging comprises:

forming a header based on the extracted information (column 6 lines 32-39, column 7 lines 51-52);

creating a plurality of file indexing information based on the extracted information, to access the plurality of resource files (column 6 lines 35-39, 45-56); and

creating an SMIL integrated file by packaging the header, the plurality of file indexing information, the SMIL document, and the plurality of resource files into a single file (Figure 5, column 6 lines 19-50).

*Christensen teaches that a package is a single file that contains one or more wrappers, and that a wrapper contains metadata and content, the content including multimedia files containing audio, video and textual information. Thus the packages of Christensen contain metadata (SMIL document) and plurality of resource files (content).*

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Niwa by the teaching of Christensen because packaging metadata (SMIL document) and content (resource) files into a single file would enable content and its metadata to be transported together (Christensen, column 6 lines 25-27), searching regardless of file type or the computer system in which the file resides (Christensen, column 9 lines 64-66), a reduction in traffic on the network (Christensen, column 10 line 8), and prevention of lost/separated metadata (Christensen, column 10 lines 15-17).

Further regarding claims 1 and 11, Niwa in view of Christensen does not explicitly teach wherein the header comprises information on the number of the plurality of files included in the integrated file and information on a length of the integrated file.

Malik teaches method and apparatus for compressing attachments to electronic mail communications for transmission (see abstract), in which he teaches wherein the header comprises information on the number of the plurality of files included in the integrated file and information on a length of the integrated file (element 91 in Figure 9, column 10 lines 1-4).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have further modified Niwa by the teaching of Malik because wherein the header comprises information on the number of the plurality of files included in the integrated file and information on a length of the integrated file would enable efficient compression and packaging of various application files, and thus enable efficient transmission (i.e. via e-mail) (Malik, abstract).

With respect to claims 4 and 14, Niwa as modified teaches wherein the header comprises copyright information of at least one of the SMIL document and the plurality of resource files (Christensen, column 6 lines 33-35).

With respect to claims 5 and 15, Niwa as modified teaches wherein the plurality of file indexing information comprises respective name, length, and offset information of

Art Unit: 2164

each of the plurality of files included in the SMIL integrated file (Christensen, column 6 lines 35-39, 45-50, column 7 lines 33-40; Malik, column 10 lines 1-12).

With respect to claims 6 and 16, Niwa as modified teaches further comprising storing a packaged SMIL integrated file. (Niwa, paragraph 126; Christensen, column 5 lines 23-24).

With respect to claim 7, Niwa as modified teaches transmitting a packaged SMIL integrated file (Christensen, column 5 lines 25-27; Niwa, paragraph 179 lines 9-13).

With respect to claim 8, Niwa as modified teaches:

extracting information for accessing a plurality of files included in an SMIL integrated file by parsing the SMIL integrated file (Christensen, column 5 lines 50-63; Niwa, paragraphs 85 and 126);

providing an SMIL document (Christensen, column 5 lines 56-61; Niwa, paragraph 178); and

providing a predetermined resource file by referring to the information when a request for the predetermined resource file is issued (Christensen, column 5 lines 62-63, column 8 lines 2-5; Niwa, paragraph 178),

wherein the operation of extracting the information comprises extracting respective name, length, and offset information of each of the plurality of files included in the SMIL integrated file, and the operation of providing the predetermined resource



file comprises searching for the predetermined resource file from among the plurality of resource files by referring to the respective name, length, and offset information of each of the plurality of files included in the SMIL integrated file (Christensen, column 6 lines 35-39, 45-50, column 7 lines 33-40, 49-55), and

wherein a header of the SMIL integrated file comprises information on the number of the plurality of files included in the SMIL integrated file and information on a length of the SMIL integrated file (Malik, element 91 in Figure 9, column 10 lines 1-4).

With respect to claims 9 and 18, Niwa as modified teaches wherein the operation of extracting the information comprises extracting file indexing information from a plurality of file indexing information to access the predetermined resource file (Christensen, column 4 lines 57-58, column 5 lines 50-63, column 7 lines 49-55) and the operation of providing the predetermined resource file comprises providing the predetermined resource file by referring to the file indexing information (Christensen, column 5 lines 62-63, column 8 lines 2-5).

With respect to claim 17, Niwa as modified teaches further comprising:

a file managing unit which provide a predetermined SMIL document when there is a request for the predetermined SMIL document (Christensen, column 5 lines 56-61; Niwa, paragraph 178) and provides a predetermined resource file linked to the SMIL document when there is a request for the predetermined resource file by referring to

Art Unit: 2164

corresponding information extracted from an SMIL integrated file by the parsing unit (Christensen, column 5 lines 62-63, column 8 lines 2-5; Niwa, paragraph 178),

wherein the parsing unit extracts the corresponding information for accessing files included in the SMIL integrated file by parsing the SMIL integrated file (Christensen, column 5 lines 50-63; Niwa, paragraphs 85 and 126).

With respect to claim 19, Niwa as modified teaches wherein the parsing unit extracts file indexing information, including respective name, length, and offset information of at least each of the plurality of files included in the SMIL integrated file, and the file managing unit searches for the predetermined resource file by referring to the name, length, and offset information of each of the plurality of files included in the SMIL integrated file and provides the predetermined resource file (Christensen, column 6 lines 35-39, 45-50, column 7 lines 33-40, 49-55).

With respect to claims 20-22, Niwa as modified teaches wherein the plurality of the indexing information are consecutively disposed together and precedes the plurality of resource files (Christensen, Figure 5).

*The limitation in the above claims represents nonfunctional descriptive material because it does not affect the way a computer operates; it is merely a description of information that does not impart any functionality. It is well known in the art that information may be stored in a file in any order. The order in which information is stored in a file does not affect the operation of the computer, unless the information is*

*accessed or used in some other type of way. As such, the limitation does not hold any patentable weight.*

With respect to claims 23-25, Niwa as modified teaches wherein the header comprises information for all of the plurality of resource files (Christensen, column 6 lines 32-39; Malik, Figure 9, column 10 lines 1-4).

*The limitation in the above claims represents nonfunctional descriptive material because it does not affect the way a computer operates; it is merely a description of information that does not impart any functionality. It is well known in the art that any type of information may be included in a file/document, such as the information claimed above. However, including information in a file does not change the functionality of the file unless the information is actually used to impart some type of functionality to a computer. As such, the limitation does not hold any patentable weight.*

With respect to claims 26-28, Niwa as modified teaches wherein the SMIL document comprises information to adjust the reproduction time of each media object included in the plurality of resource files, layouts on a screen, and screen division (Niwa, paragraph 87).

*The limitation in the above claims represents nonfunctional descriptive material because it does not affect the way a computer operates; it is merely a description of information that does not impart any functionality. It is well known in the art that any type of information may be included in a file/document, such as the information claimed*

*above. However, including information in a file does not change the functionality of the file unless the information is actually used to impart some type of functionality to a computer. As such, the limitation does not hold any patentable weight.*

### **Response to Arguments**

8. Applicant's arguments with respect to claims 1, 8 and 11 have been considered but are moot in view of the new ground(s) of rejection.

9. Applicant's arguments filed September 9, 2008 have been fully considered but they are not persuasive.

10. Regarding claims 20-22, Applicant argues that the prior art does not teach where the plurality of indexing information are consecutively disposed together and precedes the plurality of resource files. The directory of tags in Figure 5 of Christensen may represent indexing information, and the directory of tags precedes the content.

Applicant argues that there is nothing to suggest that if there is a package with multiple wrappers, all of the directory of tags would be consecutively disposed together.

Examiner disagrees. Christensen teaches that the directory "contains a directory of what is in the package", not what is in the wrapper (column 6 lines 35-36). Thus, it is clear that the file indexing information (directory) will precede the content. Also, the tags/indexing information disclosed within the directory are stored together, and thus may also be consecutively disposed together.

11. Applicant argues that the Examiner failed to consider Applicant's explanation regarding claims 20-22 in the Amendment filed February 15, 2008. Examiner

disagrees. Pages 9-10, paragraphs 6-7, of the Final rejection mailed July 9, 2008 address Applicant's explanation. In the explanation, Applicant argues that the indexing information is used to read the resource file, and that it is not necessary for a computer to process each of the resource files, etc. However, these limitations are not claimed. The intended use of the indexing information or potential benefit of the claimed arrangement of the indexing information does not limit the claim because the indexing information, as claimed, is merely a description of an arrangement of information that does not impart any functionality. The order in which information is stored in a file does not affect the operation of the computer, unless the information is accessed or used in some other type of way.

12. Regarding claims 5 and 15, Applicant argues that the length, name, and offset information of each of the plurality of files included in package 40 of Christensen are located in different files, and thus he does not teach the claimed plurality of indexing information. Examiner disagrees. Christensen teaches that the length, name, and offset information of each of the plurality of files are all included in the package file (Figures 5 and 6, column 6 lines 35-39, 45-50, column 7 lines 33-40), and thus he does teach the claimed indexing information. The Examiner would also like to note that the claims do not specify where the length, name, and offset information of each of the plurality of files are located. Claim 1 only recites creating file indexing information and packaging the indexing information with other information to create an integrated file; and claim 5 recites that the file indexing information includes the length, name, and offset information of each of the plurality of files. There is no recitation in either claim of

Art Unit: 2164

the location of the file indexing information, besides the fact that is packaged into the integrated file. Thus, Christensen's package, which includes the length, name, and offset information of each of the plurality of files, teaches claims 5 and 15. Furthermore, Malik teaches a package file including the length, name, and offset information of each of the plurality of files (column 10 lines 1-12).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia M. Lewis whose telephone number is 571-272-5599. The examiner can normally be reached on Monday - Friday, 9 - 6:30, alternate Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on 571-272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2164

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. M. L./  
Examiner, Art Unit 2164  
December 15, 2008

/Charles Rones/  
Supervisory Patent Examiner, Art Unit 2164